

PATENT COOPERATION TREATY

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INTERNATIONAL SEARCHING AUTHORITY

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13 AUG 2004

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**
(PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/001469

International filing date (day/month/year)
02.04.2004

Priority date (day/month/year)
03.04.2003

International Patent Classification (IPC) or both national classification and IPC
C23C14/30, H01J37/305

Applicant
MICROEMISSIVE DISPLAYS LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/GB2004/001469**10/ 551 747****Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2004/001469

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-7
Inventive step (IS)	Yes: Claims	
	No: Claims	2-4,6,7
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:
D1 : US 4 303 694 A (BOIS DANIEL) 1 December 1981 (1981-12-01)
D2 : US 4 748 935 A (WEGMANN URS) 7 June 1988 (1988-06-07)
D3 : EP 1 160 351 A (BOC GROUP INC) 5 December 2001 (2001-12-05)

- 2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (cf Figure 1 and col.2, line 62 to col.4, line 3) a method of depositing material on a substrate by evaporating said material with a beam of electrons and transferring it to said substrate, whereas a shield opaque to electrons covers the portion of the surface contacted by said beam of electrons and a relative movement between the container on one hand and the shield and the beam of electrons on the other hand so that said portion of the surface previously contacted by the electrons' beam is no longer covered by the shield and is exposed to the substrate.

- 3 DEPENDENT CLAIMS 2-4

Dependent claims 2-4 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).
In fact, said claims are related to features which, either are known or suggested from document **D1**, or are usual in this technical field, or may be carried out by the specialist with his common knowledge without any inventive effort.

Claims **5-7** of this application are directed to apparatus claims **per se**.

Therefore any document disclosing an apparatus having **all the structural features** of the claimed apparatus and **suitable** for the intended purpose takes away the novelty of the claimed matter, even if said described apparatus is used for a different purpose.

Similarly if the structural features differentiating the claimed apparatus from an

apparatus suitable for the intended use and known from the prior art are either known or suggested from the documents cited in the International Search Report or usual in this technical field or could be carried by the man skilled in the art with his common knowledge without any inventive effort, then said structural features are not sufficient for said claimed subject-matter to meet the requirements of Art. 33(3) PCT.

4 INDEPENDENT CLAIM 5

- 4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 5 is not new in the sense of Article 33(2) PCT.

Apparatuses comprising a container for containing the material to be deposited, an electron gun for evaporating said material, a shield opaque to electrons arranged to cover a portion of said container and means for causing relative movement between the container on one hand and the shield and the electron gun on the other hand are well known in this technical field, as illustrated by documents **D2** (cf figure 1 and col.4, line 32 to col.5, line 14) and **D3** (cf figures 2 and 3 and from col.6, paragraph 19 to col.7, paragraph 22).

5 DEPENDENT CLAIMS 6, 7

Dependent claims 6 and 7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

In fact, said claims are related to features which, either are known or suggested from documents **D2** and/or **D3**, or are usual in this technical field, or may be carried out by the specialist with his common knowledge without any inventive effort.